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Attorneys for Plaintiff  
KARL FINLEY

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KARL FINLEY,

Plaintiff,

v.

COUNTY OF MARIN; MARSHA GRANT;  
DIANE STOKER; and DOES 1 through 50,  
inclusive,

Defendants.

Case No.: C07-05922 TEH

STIPULATION AND PROPOSED ORDER  
TO FILE AND SERVE FIRST AMENDED  
COMPLAINT

IT IS HEREBY STIPULATED by and between the parties to allow plaintiff Karl Finley to file and serve a First Amended Complaint, which is attached hereto as Exhibit A.

There is good cause for the stipulation to file an amended complaint as follows:

- Dismissal of Individual Defendants as to FEHA Cause of Action for Retaliation: The parties agree that the individual defendants, Marsha Grant and Diane Stoker, should be dismissed from

STIPULATION AND PROPOSED ORDER TO FILE FIRST AMENDED COMPLAINT  
FINLEY v. COUNTY OF MARIN ET AL, CASE NO. C07-05922 TEH

the Third Cause of Action for FEHA Retaliation under the recent California Supreme Court decision in *Jones v. The Lodge at Torrey Pines Partnership*, 42 Cal.4<sup>th</sup> 1158 (2008) [Individual supervisors not personally liable under FEHA retaliation cause of action];

- Election not to Proceed as Class Action: Plaintiff Finley has elected not to pursue this matter as a Class Action, and, thus, the filing of the amended complaint to delete the individual defendants from the FEHA cause of action is appropriate;
- Judicial Economy: The parties are not making this request for any improper purpose, including undue delay. Instead, the parties agree that judicial economy will be served if this request is granted. In particular, in light of the *The Lodge at Torrey Pines Partnership* decision, the parties agree that motion practice is unnecessary to dismiss these defendants from this claim, including preparing and filing a motion for leave to amend the complaint. Once a stipulation is granted, the parties will not have to burden the Court's time, or the parties' attorney's fees and costs, in filing at motions to address this issue.

SO STIPULATED.

Dated: 4/21/08

KAHN, BROWN & POORE LLP

BY: 

DAVID POORE

Attorney for Plaintiff

Dated: April 11, 2008

PATRICK K. FAULKNER  
MARIN COUNTY COUNSEL

BY: see attached

STEPHEN RAAB

Attorney for Defendant County of Marin

the Third Cause of Action for FEHA Retaliation under the recent California Supreme Court decision in *Jones v. The Lodge at Torrey Pines Partnership*, 42 Cal.4<sup>th</sup> 1158 (2008) [Individual supervisors not personally liable under FEHA retaliation cause of action];

- Election not to Proceed as Class Action: Plaintiff Finley has elected not to pursue this matter as a Class Action, and, thus, the filing of the amended complaint to delete the individual defendants from the FEHA cause of action is appropriate;
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STIPULATED.

Date: \_\_\_\_\_

KAHN, BROWN & POORE LLP

BY: \_\_\_\_\_  
DAVID POORE  
Attorney for Plaintiff

Date: April 21, 2008

PATRICK K. FAULKNER  
MARIN COUNTY COUNSEL

BY:  \_\_\_\_\_  
STEPHEN RAAB  
Attorney for Defendant County of Marin

PROPOSED ORDER

THE COURT HEREBY ORDERS AS FOLLOWS:

The parties' stipulation and proposed order to file a First Amended Complaint is approved and Granted. The plaintiff may file the proposed First Amended Complaint within ten (10) days after service of this Order.

DATED: \_\_\_\_\_

HON. THELTON E. HENDERSON  
U.S. DISTRICT COURT JUDGE